

HOUSE BILL 1000

Unofficial Copy
Q3
HB 882/03 - W&M

2004 Regular Session
4r1786

By: **Delegates Barkley, Amedori, Anderson, Arnick, Aumann, Bartlett, Barve, Bates, Benson, Bobo, Bohanan, Boschert, Boteler, Boutin, Bozman, Branch, Bromwell, Bronrott, Brown, Burns, Busch, Cadden, Cane, Cardin, Carter, G. Clagett, V. Clagett, Cluster, Conroy, Conway, Costa, Cryor, C. Davis, D. Davis, DeBoy, Donoghue, Doory, Dumais, Dwyer, Eckardt, Edwards, Elliott, Elmore, Feldman, Franchot, Frank, Frush, Fulton, Gaines, Gilleland, Glassman, Goldwater, Goodwin, Gordon, Griffith, Gutierrez, Haddaway, Hammen, Harrison, Haynes, Healey, Heller, Hennessy, Hixson, Hogan, Holmes, Howard, Hubbard, Hurson, Impallaria, James, Jameson, Jennings, Jones, Kach, Kaiser, Kelley, Kelly, King, Kirk, Krebs, Krysiak, Lee, Leopold, Love, Madaleno, Malone, Mandel, Marriott, McComas, McConkey, McDonough, McHale, McIntosh, McKee, McMillan, Menes, Miller, Minnick, Mitchell, Moe, Montgomery, Morhaim, Murray, Myers, Nathan-Pulliam, Niemann, Oaks, O'Donnell, Owings, Paige, Parker, Parrott, Patterson, Pendergrass, Petzold, Proctor, Quinter, Ramirez, Rosenberg, Ross, Rudolph, Shank, Simmons, Smigiel, Sophocleus, Sossi, Stern, Stocksdale, Stull, Taylor, Trueschler, F. Turner, V. Turner, Vallario, Vaughn, Walkup, Weir, Weldon, Wood, and Zirkin**

Introduced and read first time: February 12, 2004
Assigned to: Ways and Means

Committee Report: Favorable
House action: Adopted
Read second time: March 27, 2004

CHAPTER _____

1 AN ACT concerning

2 **Maryland Breast Cancer Research Fund - Income Tax Checkoff**

3 FOR the purpose of establishing the Maryland Breast Cancer Research Fund within
4 the Department of Health and Mental Hygiene to be used to provide grants for
5 breast cancer research; requiring that all expenditures from the Fund be made
6 only through an appropriation in the annual State budget or through an
7 approved budget amendment; requiring the Secretary of Health and Mental
8 Hygiene to adopt certain regulations; requiring the Secretary to submit a
9 certain report each year to the General Assembly on the administration of the
10 Fund; requiring the Comptroller to include a checkoff on individual income tax

1 return forms for voluntary contributions to the Fund and to include certain
2 information in each individual income tax return package; requiring the
3 Comptroller to collect and account for contributions made through the checkoff
4 system and to credit the proceeds to the Fund after deducting the amount
5 necessary to administer the checkoff; providing for the application of this Act;
6 and generally relating to the Maryland Breast Cancer Research Fund and an
7 income tax checkoff for contributions to the Fund.

8 BY adding to
9 Article - Health - General
10 Section 20-117
11 Annotated Code of Maryland
12 (2000 Replacement Volume and 2003 Supplement)

13 BY adding to
14 Article - Tax - General
15 Section 2-112 and 10-804(h)
16 Annotated Code of Maryland
17 (1997 Replacement Volume and 2003 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Health - General**

21 20-117.

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

24 (2) "BREAST CANCER RESEARCH" INCLUDES RESEARCH TO DEVELOP
25 AND ADVANCE THE UNDERSTANDING OF BREAST CANCER AND THE TECHNIQUES
26 AND MODALITIES EFFECTIVE IN THE PREVENTION, CURE, SCREENING, AND
27 TREATMENT OF BREAST CANCER.

28 (3) "FUND" MEANS THE MARYLAND BREAST CANCER RESEARCH FUND
29 ESTABLISHED UNDER THIS SECTION.

30 (4) "INCOME TAX CHECKOFF SYSTEM" MEANS THE CHECKOFF SYSTEM
31 ESTABLISHED UNDER § 2-112 OF THE TAX - GENERAL ARTICLE.

32 (B) (1) THERE IS A MARYLAND BREAST CANCER RESEARCH FUND.

33 (2) THE NET PROCEEDS FROM CONTRIBUTIONS UNDER THE INCOME
34 TAX CHECKOFF SYSTEM AND ANY OTHER DONATIONS TO THE FUND SHALL BE
35 CREDITED TO THE FUND.

36 (3) THE SECRETARY SHALL ADMINISTER THE FUND.

1 (4) THE FUND SHALL BE USED ONLY FOR BREAST CANCER RESEARCH
2 AS PROVIDED IN SUBSECTION (C) OF THIS SECTION.

3 (5) THE FUND SHALL BE MAINTAINED FOR THE PURPOSES STATED IN
4 THIS SECTION AND UNSPENT PORTIONS OF THE FUND SHALL REMAIN IN THE FUND
5 AND MAY NOT REVERT TO THE GENERAL FUND OF THE STATE.

6 (6) MONEYS EXPENDED FROM THE FUND FOR BREAST CANCER
7 RESEARCH ARE SUPPLEMENTAL AND ARE NOT INTENDED TO TAKE THE PLACE OF
8 FUNDING THAT WOULD OTHERWISE BE APPROPRIATED TO THE DEPARTMENT FOR
9 BREAST CANCER RESEARCH.

10 (7) ALL EXPENDITURES FROM THE FUND SHALL BE MADE ONLY IN
11 ACCORDANCE WITH AN APPROPRIATION APPROVED BY THE GENERAL ASSEMBLY IN
12 THE ANNUAL STATE BUDGET OR THROUGH AN APPROVED BUDGET AMENDMENT
13 UNDER §§ 7-209 AND 7-210 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

14 (C) (1) THE SECRETARY MAY DISTRIBUTE NOT MORE THAN 5% OF THE NET
15 PROCEEDS OF THE FUND TO A PROMOTIONAL ACCOUNT TO BE USED TO PROMOTE
16 FURTHER DONATIONS TO THE FUND.

17 (2) AFTER MAKING THE DISTRIBUTION ALLOWED UNDER PARAGRAPH
18 (1) OF THIS SUBSECTION, THE SECRETARY SHALL USE THE REMAINDER OF THE NET
19 PROCEEDS OF THE FUND ONLY TO PROVIDE GRANTS TO ELIGIBLE PHYSICIANS,
20 HOSPITALS, LABORATORIES, EDUCATIONAL INSTITUTIONS, AND OTHER
21 ORGANIZATIONS AND PERSONS TO CONDUCT BREAST CANCER RESEARCH.

22 (D) (1) ON OR BEFORE AUGUST 31 OF EACH YEAR, THE SECRETARY SHALL
23 SUBMIT A REPORT TO THE GENERAL ASSEMBLY, PURSUANT TO § 2-1246 OF THE
24 STATE GOVERNMENT ARTICLE, ON THE ADMINISTRATION OF THE MARYLAND
25 BREAST CANCER RESEARCH FUND.

26 (2) THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE:

27 (I) THE GROSS AMOUNT OF DONATIONS TO THE FUND THROUGH
28 THE INCOME TAX CHECKOFF SYSTEM AND OTHERWISE;

29 (II) THE COSTS OF ADMINISTRATION BY THE COMPTROLLER OF
30 THE INCOME TAX CHECKOFF SYSTEM;

31 (III) A DESCRIPTION OF PROMOTIONAL EFFORTS UNDERTAKEN
32 WITH MONEY FROM THE FUND; AND

33 (IV) A DETAILED ACCOUNTING OF THE USE OF THE FUND.

34 (E) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT A BREAST
35 CANCER RESEARCH GRANT PROGRAM UNDER THIS SECTION.

Article - Tax - General

2 2-112.

3 (A) (1) THE COMPTROLLER SHALL INCLUDE ON THE INDIVIDUAL INCOME
4 TAX RETURN FORM A CHECKOFF DESIGNATED AS THE "MARYLAND BREAST CANCER
5 RESEARCH FUND CONTRIBUTION".

6 (2) THE CHECKOFF SHALL STATE THAT:

7 (I) THE INDIVIDUAL, OR EACH SPOUSE IN THE CASE OF A JOINT
8 RETURN, MAY CONTRIBUTE TO THE MARYLAND BREAST CANCER RESEARCH FUND
9 THE AMOUNT DESIGNATED BY THE INDIVIDUAL; AND

10 (II) 1. THE INDIVIDUAL SHALL DEDUCT THE AMOUNT OF THE
11 CONTRIBUTION FROM ANY REFUND TO WHICH THE INDIVIDUAL IS ENTITLED; OR

12 2. IF THE INDIVIDUAL IS NOT ENTITLED TO A REFUND, THE
13 INDIVIDUAL SHALL ADD THE AMOUNT OF THE CONTRIBUTION TO THE INCOME TAX
14 TO BE PAID WITH THE RETURN.

15 (3) THE COMPTROLLER SHALL INCLUDE, WITH THE INDIVIDUAL
16 INCOME TAX RETURN PACKAGE, A DESCRIPTION OF THE PURPOSES FOR WHICH THE
17 MARYLAND BREAST CANCER RESEARCH FUND WAS ESTABLISHED AND THE
18 PURPOSES FOR WHICH THE FUND MAY BE USED.

19 (B) THE COMPTROLLER SHALL:

20 (1) COLLECT THE CHECKOFF CONTRIBUTIONS AND ACCOUNT TO THE
21 STATE TREASURER FOR THE MONEY COLLECTED;

22 (2) FROM THE CONTRIBUTIONS COLLECTED, DISTRIBUTE THE AMOUNT
23 NECESSARY TO ADMINISTER THE CHECKOFF SYSTEM TO AN ADMINISTRATIVE COST
24 ACCOUNT; AND

25 (3) AFTER THE DISTRIBUTION UNDER ITEM (2) OF THIS SUBSECTION,
26 DISTRIBUTE THE REMAINDER OF THE MONEY COLLECTED UNDER THIS SUBSECTION
27 TO THE MARYLAND BREAST CANCER RESEARCH FUND ESTABLISHED UNDER § 20-117
28 OF THE HEALTH - GENERAL ARTICLE.

29 10-804.

30 (H) AN INDIVIDUAL MAY DESIGNATE A CONTRIBUTION TO THE MARYLAND
31 BREAST CANCER RESEARCH FUND, ESTABLISHED UNDER § 20-117 OF THE HEALTH -
32 GENERAL ARTICLE, BY THE CHECKOFF SYSTEM ON THE RETURN.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 July 1, 2004 and shall be applicable to all taxable years beginning after December 31,
35 2003.

